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CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY _____ DEPUTY

Defendant.

Civil Action No. 1:06-CA-111 SS

JURY TRIAL DEMANDED

HYDRO-QUÉBEC,

Plaintiff,

V.

**A123 SYSTEMS, INC., VALENCE
TECHNOLOGY, INC., SEGWAY, INC.,
and TEXAS SEG, LLC**

Defendants.

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**Civil Action No. 1:12-CA-00242 SS**

## JURY TRIAL DEMANDED

**AGREED ORDER OF DISMISSAL**

Before the Court is the Agreed Motion to Dismiss, filed by Plaintiffs, The Board of Regents of the University of Texas System (“UT”), Hydro-Québec (“HQ”), Defendant and Counter-Plaintiff Valence Technology, Inc. (“Valence”), Defendants Segway, Inc. (“Segway”) and Texas Seg, LLC (“Texas Seg”), and Third-Party Counter-Defendant Phostech Lithium Inc. (“Phostech”) (collectively, the “Parties”). Having considered the Motion, and in light of the fact the dismissal has been urged by all parties to this action, the Court is of the opinion that the motion should be and is hereby **GRANTED**. Accordingly, the Court further **ORDERS** as

follows:

All claims by Plaintiffs against Defendants Valence, Segway, and/or Texas Seg that have accrued as of June 6, 2012 (including, but not limited to, all claims that may relate to products not received directly or indirectly by Segway and/or Texas Seg from Valence), are hereby **DISMISSED** with prejudice and without costs.

All counterclaims by Defendants Valence, Segway, and/or Texas Seg against Plaintiffs in the above-referenced cases that have accrued as of June 6, 2012 are hereby **DISMISSED** with prejudice and without costs.

All counterclaims by Defendant Valence against Phostech are hereby **DISMISSED** with prejudice and without costs.

All unserved counterclaims by Defendant Valence against Phostech and its parent companies SudChemie AG and Clariant AG are hereby **DISMISSED** with prejudice and without costs.

To clarify, any and all claims, counterclaims, and/or affirmative defenses asserted by any party in connection with either of these pending cases are hereby fully and finally **DISMISSED**, with prejudice and without costs.

Each party to this action shall bear its own attorneys fees and costs.

**SO ORDERED.**

**DATED:** June 12<sup>th</sup>, 2012

  
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THE HONORABLE SAM SPARKS  
UNITED STATES DISTRICT JUDGE